

9-22.000

PRETRIAL DIVERSION PROGRAM

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Introduction

Pretrial diversion (PTD) is an alternative to prosecution which seeks to divert certain offenders from traditional criminal justice processing into a program of supervision and services administered by the U.S. Probation Service. In the majority of cases, offenders are diverted at the pre-charge stage. Participants who successfully complete the program will not be charged or, if charged, will have the charges against them dismissed; unsuccessful participants are returned for prosecution.

The major objectives of pretrial diversion are:

- To prevent future criminal activity among certain offenders by diverting them from traditional processing into community supervision and services.
- To save prosecutive and judicial resources for concentration on major cases.
- To provide, where appropriate, a vehicle for restitution to communities and victims of crime.

The period of supervision is not to exceed 18 months, but may be reduced.

9-22.100 Eligibility Criteria

The United States Attorney, in his/her discretion, may divert any individual against whom a prosecutable case exists and who is not:

1. Accused of an offense which, under existing Department guidelines, should be diverted to the State for prosecution;
2. A person with two or more prior felony convictions;
3. An addict;
4. A public official or former public official accused of an offense arising out of an alleged violation of a public trust; or
5. Accused of an offense related to national security or foreign affairs.

9-22.200 Pretrial Diversion Procedures

For the procedures to be followed for pretrial diversion agreements, see the Criminal Resource Manual at 712.